

### **REMARKS**

Reexamination in light of the following remarks is respectfully requested. *No new matter has been added.*

#### **Entry of amendment**

This amendment *prima facie* places the case in condition for allowance.

Alternatively, this amendment places this case in better condition for appeal.

#### **New non-final Office Action**

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a new non-final Office Action is respectfully requested.

#### **Prematureness**

Applicant, seeking review of the prematureness of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

**Claim objections**

**i. Paragraph 12 of the Office Action indicates an objection of claims 18, 23, 26-28, and 30.**

**A. Claims 18 and 23 have been amended by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claims 18 and 23 have been amended in the manner requested.

**B. Claims 26-28 and 30 have been canceled by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claims 26-28 and 30 have been canceled.

**Claim rejections**

**ii. Paragraph 14 of the Office Action indicates a rejection of claims 27-32 under 35 U.S.C. §112.**

**A. Claims 27-32 have been canceled by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claims 27-32 have been canceled.

**iii. Paragraph 16 of the Office Action indicates a rejection of claims 27-31 under 35 U.S.C. §101.**

**A. Claims 27-32 have been canceled by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claims 27-32 have been canceled.

**B. Patentable subject matter is present within prior claims 27-32.**

Prior claims 28-31 were dependent upon prior claim 27. Prior claim 27 was drawn to a method of updating a software installed in an information processing apparatus, the method comprising the steps of:

obtaining a list of module-storing regions from a center computer (102), said list of the module-storing regions including location information;

obtaining a list of modules from one of the module-storing regions (104), said location information differentiating said one of the module-storing regions (104) from a plurality of the module-storing regions (104); and

obtaining a new module from said one of the module-storing regions (104) when said new module is absent from a user computer (103), said new module being identified in said list of modules,

wherein said new module is the software.

Page 5 of the Office Action asserts that *the claim does not explicitly recite or inherently require a particular machine for performing the recited steps of the method.*

In response, the Commissioner now states “that *computer programs embodied in a tangible medium*, such as floppy diskettes, *are patentable subject matter under 35 U.S.C. Section 101* and must be examined under 35 U.S.C. Sections 102 and 103.” *In re Beauregard*, 35 USPQ2d 1383, 1384 (Fed. Cir. 1995).

Here, claim 27 further includes “software installed in an information processing apparatus”, wherein the new module is the software.

Furthermore, the Supreme Court is unaware of any ordinary, contemporary, common meaning of “process” that would require it to be tied to a machine or the transformation of an article. *Bilski v. Kappos*, 95 USPQ2d 1001, 1003 (U.S. 2010).

Nevertheless, the Court's precedents establish that although the machine-or-transformation test may be a useful and important clue or investigative tool, it is not the sole test for deciding whether an invention is a patent-eligible “process” under §101. *id.*

However, claim 27 includes “*module-storing regions*”, “*a center computer*”, and “*a user computer*”.

Pages 4-5 of the Office Action assert that *the recited steps of the method could be manually performed under the broadest reasonable interpretation*.

In response, the Patent and Trademark Office (PTO) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art”. *Phillips v. AWH Corp.*, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005).

It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

On the other hand, it is improper to read a limitation from the specification into the claims. *Liebel-Flarsheim Co. v. Medrad Inc.*, 69 USPQ2d 1801, 1806 (Fed. Cir. 2004).

The specification is the single best guide to the meaning of a disputed term. *In re Translogic Technology Inc.*, 84 USPQ2d 1929, 1935 (Fed. Cir. 2007).

The PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification. *In re Morris*, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

The Substitute Specification filed on September 17, 2010 provides the following:

[0044] As shown in the diagram, for example, network 101 such as internet and LAN (Local Area Network), center computer 102, a plurality of user computers 103 and a plurality of module-storing regions 104 that stores modules as software updates are connected. *The center computer 102, the user computers 103 and the module-storing regions 104 are capable of communicating with each other through the internet.*

[0060] Modules 302a, 302b etc for updating software sent to the center computer 102 by the software vendors are stored in each of the module-storing regions 104.

Meanwhile, a list of modules 301 is stored in the center computer 102. The modules 302 may be, for example, patches for the security hole. Name of the modules and the version information on the modules are written in the above-mentioned list of modules 301. Furthermore, as described above, each of the regions are categorized according to its types, namely, regions for storing the changed modules or regions for storing the added modules. The region is also categorized according to types on whether or not it corresponds to the region of skipped modules that will be described later.

Words that were defined in the specification must be given the same meaning when used in the claims. *McGill Incorporated v. John Zink Company*, 221 USPQ 944, 949 (Fed. Cir. 1984).

Page 5 of the Office Action asserts that *the claim does not provide any clarification on how a computer is structurally and functionally interrelated for performing the method.*

In response, claim 27 includes obtaining a list of module-storing regions from a center computer (102).

Claim 27 includes obtaining a list of modules from one of the module-storing regions (104).

Claim 27 additionally includes obtaining a new module from one of the module-storing regions (104) when the new module is absent from a user computer (103), wherein the new module is the software that is installed in an information processing apparatus.

**iv. Paragraph 18 of the Office Action indicates a rejection of claims 13-14, 16-28, and 31-32 under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0166001 (Cheng).**

**A. Claims 19, 21-22, 24-28 and 31-32 have been canceled by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claims 19, 21-22, 24-28 and 31-32 have been canceled.

**B. Claims 14, 16-18, 20 and 23 are dependent upon claim 13.**

The features of claim 26 have been wholly incorporated into claim 13. Thus, canceled claim 26 is now amended Claim 13.

*No “further search and/or consideration” of amended claim 13* is believed required.

Claim 13 is drawn to an information processing apparatus comprising:

a user computer configured to obtain a list of modules from a module-storing region,  
a module identified in said list of modules being software;

a center computer, the user computer obtaining a list of module-storing regions from  
said center computer,

wherein said user computer obtains a new module from said module-storing region  
when said new module is absent from said user computer, said new module being  
identified in said list of modules,

wherein said module-storing region is one of a plurality of the module-storing  
regions, location information identifying said module-storing region from said  
plurality of the module-storing regions,

wherein said location information is recorded within said list of the module-storing  
regions,

wherein said user computer communicates with said module-storing region and said  
center computer over a network, said center computer communicating with said  
module-storing region over said network,

wherein said user computer sends user identification information onto said network,  
said user identification information identifying said user computer,

wherein said center computer compiles said list of the module-storing regions when said user computer is judged as having a license, said center computer using said user identification information in judging whether said user computer has said license,

wherein said location information corresponds to each of the module-storing regions, said each of the module-storing regions being linked to said user identification information.

### 1. Standards of review.

Determination that a claim is anticipated under 35 U.S.C. §102(b) involves two analytical steps: (1) an interpretation of the claim language; and (2) a comparison of the construed claim to a prior art reference and make factual findings that each and every limitation is found either expressly or inherently in that single prior art reference. *Yorkey v. Diab*, 94 USPQ2d 1444, 1447 (Fed. Cir. 2010).

### 2. U.S. Patent Application Publication No. 2002/0166001 (Cheng).

Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. §102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.” *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751, 1758 (Fed. Cir. 2008).

At least for the reasons presented hereinbelow, Chang fails to disclose each and every claimed element as “arranged as in the claim.”

A comparison of claim 13 of the present application and Cheng as asserted by the Office Action is provided hereinbelow.



Claim 13 of the present application	Cheng as asserted by the Office Action
Module (302)	Software update
List (301) of modules (302)	List (1007) of software updates
list of the module-storing regions (205)	Update table (807)
User computer (103)	Client computer (101)
Center computer (102)	Service provider computer (102)
Module-storing region (104)	Software vendor computer (103)
Location information	URL list (823)
Network (101)	Network (106)
User identification information (User ID)	user ID

**a) Cheng fails to disclose, teach, or suggest the client computer (101) of Cheng being configured to obtain a list of software updates from the service provider computer (102) of Cheng.**

Paragraph [0056] of Cheng arguably discloses the following:

[0056] For each selected software update, the client application 104 performs an installation process 208. Referring to FIG. 5, the client application 104 displays information 505 for a selected software update, and provides the user the opportunity to confirm 501 or cancel 503 the installation. If confirmed, the client application 104 downloads 209 the software update, along with installation information, such as installation programs, files, and the like. This downloading may be directly from the software vendor computer 103, using the URL data stored in the service provider computer 102 for the location of the software update on the network 106.

Whereas paragraph [0056] of Cheng arguably refers to a “software update”, Cheng fails to disclose, teach, or suggest this software update being a “list” of modules.

Instead, paragraph [0053] of Cheng arguably discloses the following:

[0053] For each of the installed software products on the list, the client application 104 determines 205 if there is an applicable, or relevant update for the software product. This determination is made in consultation with the service provider computer 102, which maintains, as further described below, a database including a list of available software updates for numerous software products of diverse software vendors.

Here, it is the service provider computer 102 of Cheng, and not the software vendor computers 103, that maintains the database including the list of available software updates (Cheng at paragraph [0053]).

Thus, the Office Action fails to explain where and how Cheng accounts for the feature of *a user computer configured to obtain a list of modules from a module-storing region*.

**b) Cheng fails to disclose, teach, or suggest an information processing apparatus wherein said location information corresponds to each of the module-storing regions, said each of the module-storing regions being linked to said user identification information.**

Pages 7-8 of the Office Action provide the following:

*As per Claim 19, the rejection of Claim 13 is incorporated; and Cheng further discloses:*

*wherein said module-storing region is one of a plurality of module-storing regions, location information identifying said module-storing region from said plurality of module-storing regions (Figure 1; paragraph [0056], "This downloading may be directly from the software vendor computer 103, using*

*the URL data [location information] stored in the service provider computer 102 for the location of the software update on the network 106.").*

In response, Cheng arguably discloses the following in paragraph [0077]:

[0077] Finally, the update table 807 stores the information necessary for performing the software update itself. This table is usefully keyed by the update ID 819. For each update, there is provided a URL list 823 which contains URLs for the various sites that store the actual binary files for the software update, typically the software vendor computer system 103, and potentially mirror sites. The URL list 823 is comprised of a number of URL entries, each URL entry having a URL and a timestamp of the last time the URL was validated, and flag indicating whether the URL is valid. This allows the URL monitor 715 to ensure that current URL information is maintained in the database.

However, user identification information is absent from within the update table 807 of Cheng.

Instead, in each case, the user logs in 201 to the service provider computer 102 with the client application 104 in a conventional manner, providing a user ID, a password, and the like (Cheng at [0050]).

Cheng arguably discloses the following in paragraph [0137]:

[0137] As a further enhancement of the e-mail notification embodiment, the email sent by the service provider computer 102 includes a specification of conditions a client computer 101 must satisfy for the software update or software product to be installed. This information is essentially the same as that used by the client application 104 to determine the relevant software updates for the client computer 101. For example, this information includes, for a software update, the older versions of the software product to which it is applicable. This additional information in the email notification is used by the client application 104, for example, to ensure that

the software update is used only once by the user, and can be repeatedly applied. The user profile database 711 generally stores information descriptive of each user. This information may include the user ID, password, digital signature, credit card numbers and the like, for use by the security 701, communications 703, and payment 705 modules. FIG. 14 specifies one exemplary schema of the user profile database 711. In a user table 1400, each user is identified by user ID 1401, name 1403, email address 1405, the start date 1407 of their subscription to the service, the end or termination date 1409 of the subscription, credit card information 1411 such as number, issuer and expiration date, a user selected password 1413, and a public key 1415 or other authentication token. As illustrated in FIG. 3, the user has the option 309 of requesting notification by email of such software updates. The user table 1400 thus also includes a flag 1416 indicating whether the user so desires to be notified by email. The user table 1400 is keyed by the user ID 1401 to a notification table 1417 that associates the user with selected product names 1419 and their current version 1421. When a software vendor or the service provider updates the update database 709 with information for a new software date, the notification table 1417 may be scanned to identify those users by user ID 1401 to notify about the update. The email flag 1416 for a user is checked, and if true, the user's email address 1405 is obtained from the user table 1400 and the user notified by email with information identifying the new software update.

As shown within Figure 7, the update database 709 is separate and apart from the user profile database 711.

Whereas a URL list 823 is present within the update database 709 of Cheng, no URL list is present within the user profile database 711.

Whereas a user ID 1401 is present within the user profile database 711 of Cheng, no user ID is present within the update database 709.

Conversely, U.S. Patent Application Publication No. 2006/0161640, the publication document for the present application, provides the following in paragraph [0051].

[0051] The *table for locating modules to be obtained 205b* contains *user ID and URL* indicating location of the module storing regions 104 on the network 101 that corresponds with the user ID. Since the module storing regions 104 exists in a plurality of numbers and the plurality of storing regions can be made to correspond to a single user ID, the user ID is regarded as a duplicatable key in the table. This means that *a plurality of URLs for different module storing regions may be stored as being made to correspond to the same user ID.*

Here, the *table for locating modules to be obtained 205b* of the specification as originally filed contains *user ID and URL* indicating location of the module storing regions 104 on the network 101 that corresponds with the user ID.

Conversely, Cheng *fails* to disclose, teach, or suggest the URL list 823 being linked to the user ID 1401.

Likewise, Cheng *fails* to disclose, teach, or suggest each of the software vendor computers 103 being linked to the user ID 1401.

Thus, Cheng *fails* to disclose, teach, or suggest *each of the module-storing regions being linked to said user identification information.*

**v. Paragraph 20 of the Office Action indicates a rejection of claims 13-14, 16-28, and 31-32 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0166001 (Cheng) in view of U.S. Patent Application Publication No. 2002/0120885 (Choi).**

**A. Claim 29 has been canceled by this Amendment.**

While not conceding the propriety of the claim objections, and in order to advance the prosecution of the instant application, claim 29 has been canceled.

**B. Claim 15 is dependent upon claim 13.**

Claim 15 is drawn to the information processing apparatus as set forth in claim 13, wherein said user computer deletes the name of a skipped module from said list of modules, said name of the skipped module being listed within said user computer.

**1. Incorporation by reference.**

For the purposes of brevity, the arguments presented hereinabove with respect to claim 13 are incorporated herein by reference.

Additional arguments are provided hereinbelow.

## 2. U.S. Patent Application Publication No. 2002/0166001 (Cheng).

Cheng arguably discloses the following:

[0075] Since some of the installed software products will be in their most current version, it is not necessary to update all software products installed on the client computer 101. Rather, from the list of installed software products, further analysis (205, FIG. 2) determines for which of these software products is there an applicable software update. A software update is applicable to a client computer 101 if version of the software update is more recent than the version of the installed software product.

However, pages 14-15 of the Office Action readily admits that the features of claim 15 are absent from within Cheng.

## 3. U.S. Patent Application Publication No. 2002/0120885 (Choi).

Page 15 of the Office Action cites Choi for the features of claim 15 are admittedly absent from within Cheng.

Choi arguably discloses the following:

[0040] On the other hand, the upgrade processing unit 600 questions the user through the information displaying means, such as the On Screen Display (OSD) that, "Will you install a new software?" and at this time, if the user answers that "No", the upgrade processing unit 600 deletes the code of the downloaded system software and gives up upgrading (S15). Also, the upgrade processing unit 600 deletes the code of the downloaded system software if the received software code has the same version as the current version or the previous version.

Here, however, Choi is silent as to the deletion of the name of the system software from a list of system software.

**Newly added claims**

**vi. Claims 33-42 are newly added claims.**

**A. Claims 34-39 are dependent upon claim 33.**

Claim 33 is drawn to an information processing apparatus capable of communicating with a center computer through a network, comprising:

a communication unit configured:

to send a user identification information for identifying a user of the information processing apparatus to the center computer;

to receive from the center computer a first list of a plurality of location information indicating locations of a plurality of storing regions and corresponding to the user identification information sent to the center computer, the plurality of storing regions being provided on the network to correspond to a plurality of user identification information of each of a plurality of users and storing update software for a plurality of software provided by a plurality of software vendors to the plurality of users; and

to receive a plurality of second lists of the plurality of update software by accessing to the plurality of storing regions according to the first list; and

a controller configured:



to determine whether there is any update software to be received by comparing the plurality of second lists and the software currently being installed in the information processing apparatus; and

to generate, when determined that there are some update software to be received, a third list of the update software to be received,

the communication unit being configured to receive the update software listed in the third list by accessing to each of the plurality of storing regions storing the update software listed in the third list according to the received first list.

**B. Claim 40 is an independent claim.**

Claim 40 is drawn to a software updating system comprising:

a center computer; and

an information processing apparatus capable of communicating through a network, the center computer including:

a data storage configured to store a plurality of location information of a plurality of storing regions and a plurality of user identification information of each of a plurality of users, the plurality of storing regions being provided on the network to store a plurality of update software for a plurality of software provided to the plurality of users by a plurality of software vendors, and each of the plurality of user identification information corresponding to each of the plurality of storing regions;

a first communication unit configured:

to send previously the plurality of update software to the plurality of storing regions; and

to receive the user identification information from the information processing apparatus; and

a first controller configured to generate a first list of the plurality of location information corresponding to the received user identification information,

the first communication unit being configured to send the generated first list when the user identification information is received,

the information processing apparatus including:

a second communication unit configured:

to send the user identification information to the center computer; to receive the first list; and

to receive a plurality of second lists of the plurality of update software by accessing to the plurality of storing regions according to the first list; and

a second controller configured:

to determine whether there is any update software to be received by comparing the plurality of the second list and the software currently being installed in the information processing apparatus; and

to generate, when determined that there are some update software to be received, a third list of the update software to be received,

the second communication unit being configured to receive the update software listed in the third list by accessing to each of the plurality of storing regions storing the update software listed in the third list according to the received first list.

**C. Claim 42 is dependent upon claim 41.**

Claim 41 is drawn to a method of updating a software installed in an information processing apparatus capable of communicating with a center computer through a network, comprising:

sending a user identification information for identifying a user of the information processing apparatus to the center computer;

receiving from the center computer a first list of a plurality of location information indicating locations of a plurality of storing regions, the plurality of storing regions corresponding to the user identification information sent to the center computer, the plurality of storing regions being provided on the network to correspond to a plurality of user identification information of each of a plurality of users, and storing update software for a plurality of software provided by a plurality of software vendors to the plurality of users;

accessing to the plurality of storing regions according to the received first list and receiving a plurality of second lists of update software from the plurality of storing regions;

determining whether there are any update software to be received by comparing the plurality of second lists and the software currently being installed in the information processing apparatus;

generating, when determined that there are some update software to be received, a third list of the update software to be received; and

receiving the update software listed in the third list by accessing to each of the plurality of storing regions storing the update software listed in the third list according to the received first list.

**D. Reasons for patentability.**

The newly added claims an apparatus and method using three lists for updating software, i.e.

- a first list received from the center computer,
- a plurality of second lists received from the plurality of storing regions according to the first list, and
- a third list generated in the information processing apparatus according to the second lists.

However, U.S. Patent Application Publication No. 2002/0166001 (Cheng) describes that each client computer obtains only one list from the service provider computer (see, paragraphs [0053] and [0054]). This list corresponds to the third list. That is, any lists correspond to the first list and the second lists in are not described in Cheng.

In the newly added claims, while the first list is generated and sent from the center computer to the information processing apparatus in response to the user identification information, the second lists are received from the plurality of storing regions that are separate from the center computer, and the third list is generated in the information processing apparatus. Therefore, after sending the user identification information to the center computer and receiving the first list, the information processing apparatus can receive the second lists from the storing regions, generate the third list and receive the update software easily and precisely without relying on the center computer. That is, data exchanged between the center computer and the information processing apparatus is only the user identification information and the first list. This minimizes the traffic congestion or delay in the network.

Also, in the newly added claims, the center computer only sends the first list to the information processing apparatus for having the software in the information processing apparatus update. The center computer is only maintains the first list corresponding to the user identification

information and does not have to maintain the plurality of update software themselves or the contents of the updates (second lists). This reduces the load imposed on both the center computer and the information processing apparatus and also reduces a security risk of fraudulent access to the center, because the first list and the second lists are dispersed on the center computer and the storing regions.

On the other hand, in Cheng, the service provider computer maintains a large database of software update information for a plurality of software products, the database specifying the software update program or files and their network location on the computer system of the software vendors and further storing information that describes an installation process for installing the software update on a user's computer (see, paragraph [0012]). In addition, the service provider computer periodically updates the database, monitoring URL information to ensure that it correctly identifies the location of software updates, identifies new software updates or new products for inclusion in the data base, and the like (see, paragraph [0017]).

Cheng describes the service provider computer further maintains the user profile database maintaining a profile for each user containing information about which products the user has shown an interest, for example by requesting notification about software updates for specific products, or about new software products (see, paragraph [0135]). The user profile database stores information descriptive each user. This information includes the user ID, password, digital signature, credit card numbers and the like (see, paragraph [0137]). This means the service provider in Cheng has a heavy load to maintain those databases and is under constant threat of fraudulent access.

Furthermore, Cheng describes that the client computer determines, for each of the installed software, if there is an applicable, or relevant update for the software product. This determination is made in consultation with the service provider computer, which maintains a database including a list of available software updates (see, paragraphs [0053], [0089] to [0103]). This means that the substantive determiner of the update and the substantive maker of the list for the

update software is the service provider computer, not the client computer like in the newly added claims. This increases the load and the security risk in the service provider computer.

### **Official Notice**

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

### **Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

### **Fees- general authorization**

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

**Conclusion**

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: January 12, 2011

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant